IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE J.CHELAMESWAR
and
THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 13541 of 2004

Between:
M.K.Asokan, S/o.Late M.M.Konnakutty,
Nuclear Fuel Compex, ECIL Post, Hyderabad.

..... PETITIONER

AND

1 The Government.of India, rep.by Ministry of Urban Development & Poverty
Alleviation, Central Secretariat, New Delhi.
2 The Director General of works, Central P.W.D., New Delhi.
3 The Executive Engineer, Pune Central Dn., C.P.W.D.Pune-3.
4 The Secretary, Department. of Atomic Energy, Govt. of India, Anushakti
Bhavan, C.S.M.Marg,Mumbai.
5 The Chief Executive, Department of Atomic Energy, Nuclear Fuel Complex,
ECIL Post, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue any writ order or direction particularly one in the nature of Certiorari calling for the records leading up to and including the order dt.09-12-2002 in O.A.No.1397 of 2001 read with order dated 28-04-2004 in R.A.No.16 of 2003 and by quashing the same allow the O.A. as prayed for with a further direction to the respondents to sanction earned leave encashment for the remaining period of 66 days and effect its payment along with interest at 24% per annum.

Counsel for the Petitioner: DR.P.B.VIJAY KUMAR

Counsel for the Respondent Nos.1 to 5: MR.ARAJASHEKAR REDDY (SC FOR CG)

The Court at the admission stage made the following:

THE HON'BLE SRI JUSTICE J.CHELAMESWAR
AND
THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO.13541 OF 2004

ORDER: **(PER THE HON'BLE SRI JUSTICE GODA RAGHURAM)**

Aggrieved by the order dated 09.11.2002 of the Central Administrative Tribunal, Hyderabad Bench dismissing the O.A.No.1397 of 2001 the applicant therein has filed this writ petition.

The applicant entered service as Section Officer in the Central Public Works Department (CPWD) on 26.02.1963 and worked as such up to 31.03.1966. In the C.P.W.D. he obtained no objection certificate enabling him to apply for the post of Supervisor (Civil) in Babha Atomic Research Centre (BARC). The applicant applied for the said post and was selected. On relief from the C.P.W.D., he joined his new assignment in B.A.R.C. on 01.04.1996. Subsequently, he was transferred to the Nuclear Fuel Complex, Hyderabad, wherein, on attaining the age of superannuation, he retired from service on 31.05.2001.

Complaining that he did not receive any benefits such as carry forward of the balance earned leave etc., in respect of his service in the C.P.W.D., he filed the O.A. His complaint is that for the period from 26.02.1964 to 24.01.1966 when he was in the C.P.W.D., he had earned E.L. to the extent of 63 days, which was not credited by the employer prior to his superannuation and only 30 days Earned Leave was credited instead of 63 days.

The Tribunal on a conclusion that the application was barred by laches and delay and that the applicant has also been granted full pensionary benefits as he was entitled to on superannuation, declined to entertain his grievance and dismissed the O.A.

We find no error either in the application of law or in the exercise of discretion, by the Central Administrative Tribunal, warranting interference of this court.

The writ petition is accordingly dismissed. No order as to costs.

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J.CHELAMESWAR, J

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GODA RAGHURAM, J

Dated 20th September, 2004.

YCR/CS

To

1 The Government of India, Ministry of Urban Development & Poverty Alleviation, Central Secretariat, New Delhi.

2 The Director General of works, Central P.W.D., New Delhi.

3 The Executive Engineer, Pune Central Dn., C.P.W.D.Pune-3.

4 The Secretary, Department of Atomic Energy, Govt. of India, Anushakti Bhavan, C.S.M.Marg, Mumbai-400001.

5 The Chief Executive, Department of Atomic Energy, Nuclear Fuel Complex, ECIL Post, Hyderabad.

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